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09/838,961	04/19/2001	Diaz Nesamoney	INFO-P011	1677

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EXAMINER

ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 07/29/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/838,961

Applicant(s)

NESAMONEY ET AL.

Examiner

Neveen Abel-Jalil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14-May-2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

1. The amendment filed on 14 May 2003 has been received and entered. Claims 1-30 are pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liddy et al. (U. S. Patent No. 6,026,388) in view of Papierniak et al. (U.S. Patent No. 6,151,601) and further in view of Shapiro et al. (U.S. Pub. No. 2002/0161770 A1).

As to claims 1, 11, and 21, Liddy et al. discloses a method for facilitating access to information defined by an analytic application, a computer system comprising:

a bus (See figure 1, 32, bus, see column 6, lines 62-67);

a memory unit (See figure 1, 35, program and data storage, also see column 6, lines 27-35) coupled to said bus (See figure 1, 32, bus, also see column 5, lines 56-65);  
and

a processor (See figure 1, 30, processor) coupled to said bus (See figure 1, 32, bus, also see column 5, lines 56-65), said processor (See column 5, lines 56-65) for executing a method for facilitating access to information defined by an analytic application (See column 3, lines 63-67, and column 4, lines 1-14, wherein "analytic

application” reads on “analytic information, cause/effect, dimension, prediction...” said method comprising the steps of:

receiving operational data from a data source (See column 5, lines 41-55, wherein “data source” reads on “database”);

Libby et al. does not teach:

generating metrics from said operational data using said analytic application;

storing said metrics in a repository;

sending said instance of said metrics to said user.

Papierniak et al. teaches:

generating metrics from said operational data (See column 14, lines 1-9, wherein “operational data” reads on “every aspect of business”) using said analytic application (See column 9, lines 46-67, wherein “analytics application” reads on “modularize... functionality that makes sense”);

storing said metrics in a repository (See column 14, lines 41-55);

sending said instance of said metrics to said user (See column 14, lines 56-61, wherein “instance of said metrics” reads on “data”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Libby et al. to include generating metrics from said operational data using said analytic application; storing said metrics in a repository; sending said instance of said metrics to said user.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Libby et al. by the teaching of Papierniak et al. to include generating metrics of operational data using said analytic application; storing said

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metrics in a repository; sending said instance of said metrics to said user because it provides the search engines less processing power for organizing and searching a structured database and allows the user faster control and access of the query search results. It also allows for accommodation of scalable data warehouse to provide Internet marketing decisions support (See Papierniak et al. column 2, lines 28-54).

Liddy et al. as modified still does not teach organizing a selected subset of said metrics in a hierarchical organization navigable by a user; receiving from a user a first selection identifying an instance of said selected subset of metrics.

Shapiro et al. teaches organizing a selected subset of said metrics in a hierarchical organization navigable by a user (See page 1, column 2, lines 29-55, wherein “selected subset” reads on “marketing subset”, and wherein “metrics” reads on “promotional information”);

receiving from a user a first selection identifying an instance of said selected subset of metrics (See page 1, column 2, lines 29-39, wherein “identifying an instance” reads on “transaction”, also see page 1, column 2, lines 57-63 ),.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Libby et al. to include organizing a selected subset of said metrics in a hierarchical organization navigable by a user; receiving from a user a first selection identifying an instance of said selected subset of metrics.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Libby et al. as modified by the teaching of Papierniak et al. to include organizing a selected subset of said metrics in a hierarchical

organization navigable by a user; receiving from a user a first selection identifying an instance of said selected subset of metrics because it allows for ease of data retrieval and presentation.

As to claims 2, 12, and 22, Libby et al. as modified disclose wherein said hierarchical organization is user-specific (See Shapiro et al. page 1, column 2, lines 44-55, also see Libby et al. column 9, lines 51-67, and column 10, lines 1-22).

As to claims 3, 13, and 23, Libby et al. as modified discloses wherein said hierarchical organization is linked to another hierarchical organization (See Shapiro et al. page 7, column 1, lines 43-50, also see Shapiro et al. page 7, column 2, lines 27-44, wherein "organization" reads on "websites", also see Libby et al. column 25, lines 14-29).

As to claims 4, 14, and 24, Libby et al. does not teach wherein said instance of said metrics is sent to a wireless device.

Papiernaik et al. teaches wherein said instance of said metrics is sent to a wireless device (See column 12, lines 5-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Libby et al. to include wherein said instance of said metrics is sent to a wireless device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Libby et al. by the teaching of Papiernaik et al. to

include wherein said instance of said metrics is sent to a wireless device because wireless connections are ubiquitous, allowing for reduction in costs by timely access to information and increase in availability.

As to claims 5, 15, and 25, Libby et al. as modified discloses further comprising the step of: receiving registration information from a user, said registration information specifying an approach for delivery of data (See figure 8, 280f, shows “specifying an approach” being represented by “Username” indicating customization and user centric approach, 280g, shows “registration” represented by “sign-in”, also see column 28, lines 45-57).

As to claims 6, 16, and 26, Libby et al. as modified discloses wherein said approach is characterized as a data pull approach wherein said sending is performed in response to an initiating request from said user (See abstract, wherein “initiating request from said user “ reads on “user enters the query”, and wherein “data pull approach” reads on “the system processes the query to generate an alternative representation...displays query information to user”).

As to claim 7, 17, and 27, Libby et al. as modified discloses wherein said approach is characterized as a data push approach wherein said sending is performed automatically in response to a predefined requirement being met (See column 26, lines 14-39, wherein “data push approach” reads on “Informed Query Vector”, and wherein

“predefined” reads on “cut-off criterion produced by the initial query”, also see column 10, lines 24-30, wherein “predefined” reads on “pre-determined”).

As to claims 8, 18, and 28, Libby et al. as modified discloses wherein said generating is performed on a periodic basis at predetermined intervals (See Papierniak et al. column 15, lines 31-43, wherein “predetermined intervals” reads on “defined period of time”).

As to claims 9, 19, and 29, Libby et al. as modified discloses wherein said generating is performed in response to an initiating request from a user (See Papierniak et al. column 28, lines 46-53, wherein “initiating request from user” reads on “user preferences”, also see Papierniak et al. column 20, lines 30-54, and see Papierniak et al. column 24, lines 51-65).

As to claims 10, 20, and 30, Libby et al. as modified discloses wherein said generating is performed automatically as an instance of data used for generating a particular metric is updated (See column 8, lines 41-47, wherein “automatically” reads on “MLM Module” and wherein “instance of data” reads on “query results”, also see Papierniak et al. column 10, lines 50-55, wherein “automatically” reads on “proactive” and wherein “instance of data used ... metric” reads on “feedback... bill-back... usage information”).

***Response to Arguments***



4. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schagen et al. (U.S. Patent No. 6,072,492) teaches selecting an information item in an information processing system.


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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Neveen Abel-Jalil  
July 14, 2003



DOV POPOVICI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100